



IT-W

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Dario REA et al.

Confirmation No.: 7752

Serial Number: 10/569,553

Group Art Unit: 3721

Filed: February 27, 2006

Examiner: LOW, Lindsay M.

For: DOSING DEVICE FOR FEEDING AN INFUSION PRODUCT

Atty. Docket No. 023349-00316

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

Date: July 16, 2007

This is in response to the Notice of Abandonment (copy attached) that was mailed from the U.S. Patent and Trademark Office to the firm of Arent Fox LLP on June 13, 2007.

The Notice of Abandonment indicates the above-identified application is abandoned because Applicant's failure to timely file a proper reply to the Office letter mailed on December 5, 2006.

However, Applicants respectfully request the Commissioner withdraw the holding of abandonment of the above-referenced application and respectfully submit that a Response, replacement Figure 1, together with a three month Petition for Extension of Time and the fee of \$1,020.00 were timely filed in the U.S. Patent Office on June 5, 2007 in response to the Office Action dated December 5, 2006.

For the convenience of the Commissioner, copies of the Response, replacement Figure 1, Petition for Extension of Time, and check receipt no. 467174 are attached.

Furthermore, Applicants also submit a copy of the PTO date-stamped postcard evidencing receipt by the Patent Office of the documents filed on June 5, 2007, as well as

U.S. Application Serial Number 10/569,553  
Attorney Docket Number: 023349-00316

a printout of the file history wrapper from PAIR showing the June 5, 2007 Response was scanned into PAIR on June 5, 2007.

Any fees associated with this communication should be waived since the evidence submitted herewith shows that the Applicants timely filed a response to the December 5, 2006 Office Action and that the application should not have been deemed abandoned.

Should withdrawal from abandoned status not be granted immediately, this Petition should be considered to be a petition to the Commissioner under 37 C.F.R. 1.181-1.183, including a petition that all fees in connection therewith be waived because it is clear that the Applicants are not at fault in this matter.

Should any such Petition under 37 C.F.R. 1.181-1.183 not immediately be granted, this Request should be considered to be a Petition under 37 C.F.R. 1.137(a) or 1.137(b), including a petition that all fees in connection therewith be waived because it is clear that the Applicants are not at fault in this matter.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 01-2300, **referencing Docket No. 023349-00316**. A duplicate copy of this Petition is attached.

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Attorney Docket Number: 023349-00316

Should the appropriate official of the U.S. Patent and Trademark Office have any questions, that official is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,



Rhonda L. Barton  
Registration No. 47,271

Enclosures: Notice of Abandonment  
June 5, 2007 Response  
Replacement Fig. 1  
Check Receipt No. 467174  
PTO Date-Stamped Postcard  
Printout from PAIR  
Duplicate Copy of Petition to Withdraw Holding of Abandonment

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RLB/elp



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/569,553	02/27/2006	Dario Rea	02334900316	7752
4372	7590	06/13/2007		
AREN'T FOX PLLC			EXAMINER	
1050 CONNECTICUT AVENUE, N.W.			LOW, LINDSAY M	
SUITE 400				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
<i>Billings</i> <i>6/12</i>			3721	
			MAIL DATE	DELIVERY MODE
			06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

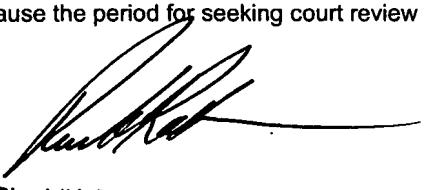


<b>Notice of Abandonment</b>	Application No.	Applicant(s)
	10/569,553	REA ET AL.
	Examiner	Art Unit
	Lindsay M. Low	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 05 December 2006.
  - (a)  A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d)  No reply has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b)  The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  No corrected drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.